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The Transatlantic Dimension to the Conflict in Lebanon: Whatever Happened to the Responsibility to Protect?

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KEY POINTS

- The extension of the Israeli-Palestinian conflict into Lebanon has created a multifaceted crisis with several dimensions.
- Unintended consequences of US and British interventions elsewhere in the 'war on terror' appear to be framing the battle lines in this Israeli-Hamas-Hezbollah conflict.
- The US Administration refuses to condemn the Israeli offensive because it reserves the right to act in exactly the same way. And the British Prime Minister has assumed the default position in UK-US relations: that by supporting Israel publicly he will have more influence privately.
- The key provisions of the Geneva Conventions do apply to all parties in the current conflict in the Middle East: the regular armed forces of Israel, to Hezbollah as an organised political Islamist group with a military arm, and to any formal or informal Palestinian forces.
- The NATO Response Force (NRF) could form the main component of an international security force for Lebanon, but there are several difficulties with such a deployment that still need to be resolved.
- Disarming the military wing of Hezbollah against its will is not an option, but disruption of its lines of re-supply is, as part of an international arms embargo on all shipments of weapons to all parties in the war.
- Key principles for a lasting solution include: the Israeli government must immediately halt its attacks on Lebanon and Hezbollah and Hamas must immediately stop shelling or otherwise engaging in violence against Israel; the Israeli government, Hezbollah and Hamas must adhere strictly to the rules of international humanitarian law, particularly with regard to the protection of civilians and rules against the use of indiscriminate weapons; and there is a need to address the underlying sense of injustice and insecurity felt on both sides.

- The United States and Britain have to improve their own moral condition, via a return to the rule of law and to the protection of civil liberties, and an end to efforts to escape from the obligations of international law in the fight against terrorism.

Introduction

The war in Lebanon is entering its third week. The latest round of the conflict began after the Lebanese Shiite Muslim group Hezbollah captured two Israeli soldiers, and killed three others, in a cross-border raid on 12 July (following the earlier capture of another Israeli soldier by Hamas in late June and the detention by Israel of a number of senior Hamas government officials). The number of dead and wounded in Gaza, Northern Israel and Lebanon are now over six hundred – including four unarmed UN observers and 52 villagers, including 30 children, killed on 30 July by an Israeli air strike on the Lebanese village of Qana. The International Committee of the Red Cross (ICRC) puts the number of internally displaced Lebanese in Beirut at 65,000. The UN High Commission for Refugees (UNHCR) estimates that 800,000 Lebanese (out of a population of 3.5 million) have now been displaced. The main concern is for the civilians living in Southern Lebanon, who can neither move easily or be supplied safely by the relief agencies.

Crisis talks between US, European and Arab officials in Rome on 26 July failed to agree on an immediate plan to force an end to the fighting. Although officials called for an end to the violence, US Secretary of State Condoleezza Rice said any ceasefire must be "sustainable" and that there could be "no return to the status quo ante". UN Secretary-General Kofi Annan called for the formation of a multinational force to help Lebanon assert its authority and implement existing UN resolutions that call for Hezbollah to be disarmed. At a bilateral meeting in Washington on 30 July, Tony Blair and George Bush proposed the staged introduction to Lebanon of an international security force with a new UN mandate, but continued to refuse to endorse calls for an unconditional ceasefire.

What began as a localised conflict between Israel and Palestinian militants in Gaza quickly became a regional conflict after Hezbollah's capture of the two Israeli soldiers. The Israeli government has responded by carrying out air strikes against suspected Hezbollah targets in Lebanon, and Hezbollah has countered with rocket attacks against cities and towns in northern Israel. A ground war in southern Lebanon has also started. Meanwhile, Israeli clashes with Hamas and other Palestinian militants have continued unabated in Gaza.

The extension of the Israeli-Palestinian conflict into Lebanon has created a multifaceted crisis with several dimensions: Hamas striving to be accepted as a legitimate government of the Palestinian Authority; Hezbollah's role in Lebanon and its sponsorship by Iran and Syria; the ongoing Arab-Israeli conflict; the growing Sunni-Shiite divide in the region; and wider international divisions, especially the war of words between Washington and Tehran. This BASIC Paper focuses on the transatlantic dimension to the crisis, which cuts across a number of US and British policies in the Middle East. In particular, some of the unintended consequences of US and British interventions elsewhere in the 'war on terror' appear to be framing the battle lines in this Israeli-Hamas-Hezbollah conflict. One of the primary consequences is the undermining of the Geneva Conventions and other humanitarian law.

The author supports the call being made by many governments and civil society groups: that a political solution to the twin crises of Lebanon and Palestine must be the international

community's urgent priority. This in turn, requires an immediate Israeli-Lebanese ceasefire that puts a reciprocal end to attacks. As the International Crisis Group concludes, "Waiting and hoping for military action to achieve its purported goals will have not only devastating humanitarian consequences: it will make it much harder to pick up the political pieces when the guns fall silent".¹ The international community should also be prepared to contribute a sufficient military force with a robust mandate to undertake what a weak or manipulated Lebanon plainly can or will not: a zone of security along the southern border with Israel.

US and British Goals in the Crisis

The crisis erupted just before the start of the annual Group of Eight (G-8) heads-of-state meeting in Russia. After lengthy discussions, the G-8 called for Hamas and Hezbollah to release the three Israeli soldiers and to stop firing mortars and rockets at Israeli cities, and for Israel to cease military operations against Gaza and Lebanon, to withdraw all forces back inside Israel, and release Palestinian government officials arrested earlier. However, the Bush Administration has interpreted the G-8 statement as requiring Hamas and Hezbollah to return the soldiers and cease shelling first, after which Israel would halt its operations. Since the statement does not specify a sequence, this US interpretation is at odds with the other summit participants—with the exception of Britain.

The G-8 division was replicated at the Rome Summit, with the United Nations, France, Germany, Italy, Spain, Greece, Jordan, Russia, Saudi Arabia, Egypt, Canada and Cyprus in favour of an immediate ceasefire and the United States and Britain opposed. What are the reasons behind the US-UK stance?

The US Administration has repeatedly stated its unequivocal support for Israel's intervention in Lebanon and President Bush has charged that "the root cause of the problem is Hezbollah... And part of those terrorist attacks are inspired by nation states, like Syria and Iran." Thus, while many in the international community have called for an immediate ceasefire, US and British officials have refrained from backing this demand, ostensibly to allow Israel to conduct its extensive military campaign to weaken Hezbollah. This would also seem to support US Administration goals of creating a "new" democratic and pro-Western Middle East, where necessary, with force. Seeking to split Syria off from Iran by striking a deal with Damascus may well be the next big US strategic chess move.²

The United States and Israel presently share a similar approach to security: an emphasis on unilateral, overpowering force or the threat of such force to try to establish absolute security from attack or even intimidation from others. It has been clear since the beginning of the Israeli military offensive in Lebanon that the US Administration would not condemn it because it reserves the right to act in exactly the same way if its own citizens, and especially its military forces, are seized or some other act against US interests 'requires' a military response. The Bush Administration is not about to limit its own potential for action by condemning Israeli use of force. But just as the 'preventive war' in Iraq failed to make the United States more secure in the world, the disproportionate response by the Israeli military to Hezbollah's provocation will also weaken the chances of achieving the peace and security that Israelis crave.³ Nonetheless, these are policies that, for the time being, have widespread support in both Israel and the United States.

On July 20, for example, the US House of Representatives, voted by an overwhelming 410-8 margin to unconditionally endorse Israel's ongoing attacks on Lebanon and the Gaza Strip. The

Senate passed a similar resolution earlier in the week by a voice vote, but included a clause that “urges all sides to protect innocent civilian life and infrastructure”. By contrast, the House version omits this section and even praises Israel for “minimizing civilian loss”, despite overwhelming evidence to the contrary.

As Stephen Zunes, professor of Politics at the University of San Francisco argues, the resolution reveals a bipartisan US consensus on the legitimacy of allies to disregard international legal norms. He also points out that the resolution radically reinterprets the UN Charter by claiming that Israel's attacks on Lebanon's civilian infrastructure are an act of legitimate self-defence under Article 51, concluding that, “In short, both Democrats and Republicans are now on record that, in the name of “fighting terrorism,” US allies—and, by extension, the United States as well—can essentially ignore international law and inflict unlimited damage on the civilian infrastructure of a small and largely defenceless country, even a pro-Western democracy like Lebanon”.⁴

Even if Hezbollah is conducting a proxy war for Tehran, and only has an army with a notional strength of around 2,000⁵ which uses Lebanon as a human shield, what chance of success do ground and air attacks on Lebanon have, except in fuelling anti-Israeli sentiment and further sectarian violence? And by unwittingly targeting one of the best hopes of civilized life in the Middle East (outside of Israel itself), the Israeli Defence Force is creating a moral and institutional vacuum in Lebanon in which Hezbollah and other radical Islamist groups will prosper.

And what of Britain's motives for endorsing the US line? The Prime Minister will no doubt argue that by supporting Israel publicly he will have more influence privately. This is also his default position in UK-US relations, with equally mixed results. But private pressure is a two-way street. There is also undoubtedly US pressure applied to the UK government, as part of the quid-pro quo of the ‘Special Relationship’, to keep the UK ‘on-message’ in any public pronouncements or negotiations on the wider Israeli-Arab dispute. Israel is also Britain's third largest trading partner in the Middle East, so there is also a measure of economic self-interest within Whitehall.

But unlike the near US congressional consensus, there is a growing parliamentary revolt against Tony Blair's handling of the Middle East crisis that even extends to members of his Cabinet. Jack Straw, Leader of the House of Commons and former Foreign Secretary, has described Israeli attacks on Lebanon as “disproportionate” and accused Tel Aviv of escalating an “already dangerous situation”. Opinion polls in Britain also suggest that the Prime Minister is out of step with the public on the closeness of Britain's relationship with the White House.

At what point then does Downing Street publicly part company with the White House? Only at the margins it would seem. It has been reported that Britain's Foreign Secretary, Margaret Beckett talked to US Secretary of State Condoleezza Rice during the Rome Summit about allegations that Prestwick airport in Scotland had been used as a staging post by US planes transporting bunker-busting bombs to Israel. Margaret Beckett told Channel 4 News: “We will be making a formal protest [to the United States] if it appears that that is what has happened”. But the condemnation and subsequent apology was more about the process rather than the substance, and a further six flights carrying military supplies for Israel have allegedly passed through UK airports since. It has also been suggested that Defence Secretary Des Browne (himself a Scot) offered the use of English airports following protests by Scottish Secretary

Douglas Alexander about the use of Prestwick Airport. The only other alternative is Shannon airport in Ireland, but the Irish government has refused to allow these flights to land on its soil.⁶

Self-Defence and the Responsibility to Protect

The concept of 'Responsibility to Protect (R2P)' was first comprehensively outlined in a 2001 report by the Canadian-led International Commission on Intervention and State Sovereignty, which aimed to reconcile sovereignty and the international concern for gross human rights violations. In short, it sought to provide a legal and ethical basis for 'humanitarian intervention': the intervention by external actors (preferably the international community through the United Nations) in a state that is unwilling or unable to fight genocide, massive killings and other massive human rights violations. This intervention should be the exercise of diplomatic and then, if necessary, coercive (including forceful) steps to protect civilians. The 2005 World Summit Outcome Document endorsed the R2P concept, and in April 2006, the UN Security Council unanimously adopted Resolution 1674 on the Protection of Civilians in Armed Conflict. Resolution 1674 contains the historic first official Security Council reference to the responsibility to protect: it "reaffirms the provisions of paragraphs 138 and 139 of the World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".

So who is responsible for the protection of civilians in the Lebanon crisis? The following extract from a blog on the UK Overseas Development Institute's Web site seeks to draw out some answers:

While the emphasis of the R2P doctrine has tended towards internal conflict, a key question in the context of the current crisis in the Middle East is what responsibility does the international community have in ensuring that civilians are protected in international conflicts as well?

In this case, the Government of Lebanon is evidently unable to prevent either the activities of Hizbollah or the retaliatory actions of Israel. The civilian population of Lebanon (and parts of Israel) are caught in the middle of this. Whether or not Israel is legally justified in its actions under the self-defence provisions of the UN Charter (Article 51) - or in lawyers' terms, whether it is justified under the *ius ad bellum* - its actions are contrary to the basic principles of the Geneva Conventions or the *ius in bello*. These require that a distinction be drawn between civilian and military targets; that due *precaution* be exercised to prevent incidental damage to civilians and civilian objects; and that any such damage be *proportionate* to the anticipated military advantage gained. Israel's actions arguably fail all of these tests.

What would the R2P doctrine require of other states in this case? Surely as a minimum that breaches of humanitarian law on both sides be condemned, and that steps be taken to put an end to such practice by whatever means necessary. Hizbollah itself has made the distinction between military and civilian objects difficult, and should be condemned for doing so - as they should for their indiscriminate rocket attacks on Israeli targets. But this cannot justify the indiscriminate nature of the Israeli response. Even if a state acts in self-defence, it is still bound by *jus in bello* to exercise restraint and avoid civilian casualties and damage to civilian infrastructure. The number of civilian casualties, the attack of the civilian airport in Beirut and Israel's air and sea blockade on Lebanon constitute a breach of those humanitarian obligations. Considering the inability of the Lebanese government to protect its civilians, does the international community not share a *collective responsibility* to protect civilians by getting Israel - through persuasion or otherwise - to moderate its actions? And can it be conscionable in these circumstances not to support calls for an immediate ceasefire?⁷

The ICRC, long recognised as the guardian of the Geneva Conventions (a long-standing legal base for the R2P doctrine) on the conduct of war, has also declared that Israel has violated the principle of proportionality in the conventions as well as the prohibition against collective punishment. Similarly, UN High Commissioner for Human Rights Louise Arbour—who served as chief prosecutor in the international war crimes tribunals on Rwanda and the former Yugoslavia—has gone on record as suggesting that the armed forces of both Hezbollah and the Israeli government may have been engaging in war crimes.⁸

An international prosecution of any current war crimes being committed in Lebanon would require a UN Security Council Resolution in order to establish another ad hoc Tribunal. The International Criminal Court (ICC) established on the basis of the Rome Statute came into force in 2002. So far 100 states have ratified and acceded to the Rome Statute. Neither the United States nor Israel are treaty-states and they do not intend to become parties to the treaty and do not see any legal obligations arising out of their signature of the Rome Statute. The ICC is currently investigating the situation in Darfur, Uganda and Congo but it will most probably not receive the cases of Lebanon and the occupied Palestinian territories.

In addition, a dangerous precedent of discarding the Geneva Conventions has already been set by the Bush administration in its misguided ‘war on terror’. In January 2002 US Secretary of Defense Donald Rumsfeld announced that prisoners detained in the Afghanistan intervention would be considered “unlawful combatants” and that “unlawful combatants do not have any rights under the Geneva Convention”. However, the US repudiation of the Conventions goes beyond a denial of its provisions to suspect insurgents captured in Afghanistan, Iraq or via ‘rendition’ (and the recent US Supreme Court decision in the *Hamdan v Rumsfeld* case has invalidated that particular presumption⁹). Just as significantly, the United States has increasingly failed to follow the principle of proportionality in dealing with the insurgencies in Iraq and Afghanistan. While the initial combat phase of the invasion of Iraq arguably met this requirement by most standards, with US officials proudly extolling the virtues of the Geneva Conventions and their compliance with them, the subsequent counter-insurgency operations in both Afghanistan and Iraq have increasingly been conducted with disregard for the welfare and dignity of noncombatants.

Of course, the scrutiny as to the proper conduct of the use of force is not limited to the US forces in Iraq. NATO’s intervention in Kosovo invited such scrutiny for the exclusive use of high-altitude bombing, the use of cluster bombs and the bombing of dual-use targets such as power grids. And the Russian President’s call for proportionality in the Lebanon crisis sounds hollow in the light of the Russian military’s own lack of proportionality in combating political violence in Chechnya.

All of these precedents make it more difficult to hold the parties to account in the Lebanon crisis. Nonetheless, the key provisions of the Conventions do apply to all parties in the current conflict in the Middle East: the regular armed forces of Israel, to Hezbollah as an organized political Islamist group with a military arm, and to any formal or informal Palestinian forces. In particular, Article 3 of The Geneva Conventions should be upheld, disseminated, applied and enforced by all political leaders, and especially by those like President Bush and Prime Minister Blair who claim to be working towards higher moral goals. Article 3 reads as follows:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness,

wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples. (2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

It should be the responsibility of all Western states to do all within their powers to make these lofty texts stick. Making all military forces and armed movements apply Article 3 and uphold the R2P doctrine will mitigate the horror of this — or any — war.

A Multinational Peacekeeping Force: A Role for NATO's Rapid Response Force?

The Rome summit ended in failure, issuing only a joint statement in support of sending an international force into Lebanon under a UN mandate but without any specifics of which countries might contribute troops. France and Spain have indicated that they may send troops depending on the mandate and rules of engagement. And it has been suggested forces from Turkey, the Netherlands, Sweden, Norway, Canada, Egypt, Indonesia and Saudi Arabia might supplement these. Tony Blair and George Bush also floated the idea of a staged introduction of an international force in Lebanon at their meeting on 30 July, but were vague on specifics. An earlier article in the *New York Post* suggested that this might be in two stages: an initial force of 10,000 troops, predominantly from Muslim countries, which would enter Lebanon as soon as a ceasefire was declared, to be followed by a larger force of up to 30,000 troops after about 90 days.

Part of the current problem in southern Lebanon arises from the failure of the existing international force, the UN's Interim Force in Lebanon (Unifil), which was created in 1978 to confirm Israeli withdrawal from Lebanon, restore international peace and security, and help the Lebanese Government restore its effective authority in the area. One option is to expand Unifil, by increasing the number and caliber of its troops (currently just under 2,000), and give it a more robust peace enforcement mandate, including responsibility for enforcing UN Resolution 1559, which calls for "the disbanding and disarmament of all Lebanese and non-Lebanese militias".

In theory, the NATO Response Force (NRF) could form the main component of that larger force. NATO claims that it is a highly ready and technologically advanced force made up of land, air, sea and special forces components that the Alliance can deploy quickly wherever needed. It is said to be capable of performing missions worldwide across the whole spectrum of operations, including evacuations, disaster management, counter-terrorism, and acting as 'an initial entry force' for larger, follow-on forces. At present, the force numbers about 17,000 troops, but it is set to reach full operational capability in October this year, when it will number some 25,000 troops and be able to start to deploy after five days' notice and sustain itself for operations lasting 30 days or longer if re-supplied. General James Jones, the NATO military commander,

has said that if the Alliance was asked to play a peacekeeping role in Lebanon, it would be up to the job.¹⁰

In practice, however, there are several difficulties with such a deployment. First, the United States has already said that it will not contribute troops and the Alliance already has a major out-of-area mission in Afghanistan (where it has 24,000 troops committed). Second, NATO is likely to be seen as a tool of Western (and therefore Israeli interests), rather than a neutral force for peace and stability. Third, if the mandate is a robust one, which authorises the forced disarmament of Hezbollah, it could end up becoming an unwitting party to Lebanon's sectarian battles. Rather, the mandate will need to be more limited: restoring the authority of the Lebanese army over the south of the country and denying Hezbollah the freedom of operation it currently enjoys. The disarmament of Lebanon's rogue militia, as envisaged in UN Security Council Resolution 1559, while necessary in the long term, will have to wait for a political settlement.

But while disarming the military wing of Hezbollah against its will—whether attempted by NATO (or any other international military force)—is not an option, disruption of its lines of re-supply certainly is. Based on the experiences of interdiction exercises within the Proliferation Security Initiative and in preventing arms smuggling in Kosovo and elsewhere in the Balkans, NATO could police the Lebanese ports and the Syrian border posts through which arms are shipped to Hezbollah. Such land and sea interdictions would not prevent all the illicit arms getting through, but could be rigorous enough to satisfy Israeli concerns. However, such a strategy would also need to be part of an international arms embargo on all shipments of weapons to all parties in the war, including the supply of US and UK weapons and components to Israel.¹¹

As part of a lasting settlement a role will also need to be found for Hezbollah's guerrilla forces. The eventual disarmament, demobilisation and reintegration (DDR) of these forces may also entail some elements being absorbed into the Lebanese army. While such thinking may appear premature, history suggests that many conflicts have re-ignited due to the failure or part-failure to implement effective DDR programmes once a peace accord has been established. Both political and financial resources need to be earmarked now for when a peacetime DDR programme in Lebanon may be possible. Again, NATO has experience from the Balkans of designing and implementing DDR programmes alongside weapons collection and destruction programmes.

Another alternative to a NATO-led peacekeeping force is an EU military force under UN auspices, which is said to be the Israeli preference. But Britain and Germany have already said they will not contribute soldiers, the former because of overstretch and the latter for sound historical reasons. Javier Solana, the EU foreign policy chief, hinted at the difficulties during the Rome Summit, when he said: "It's a real possibility. It is not an easy force to deploy but we have been working to try to construct a concept".

Towards a Lasting Solution: Some Key Principles

1. The Israeli government must immediately halt its attacks on Lebanon. These attacks are utterly disproportionate to the initial provocation by Hezbollah, have killed over 600 civilians, displaced half a million people, destroyed billions of dollars of Lebanon's infrastructure, and will not, in the long run, secure peace or security for Israel. By attacking Lebanon, the Israeli government has assumed a moral and legal responsibility for the well-being of the Lebanese people both during hostilities and with respect to the stabilisation and reconstruction of the

country thereafter. The Israeli government should also supply food, electricity, water and funds to repair the humanitarian crisis caused by its invasion of Gaza.

2. Hezbollah and Hamas must immediately stop shelling or otherwise engaging in violence against Israel. These actions, which have killed over 50 Israeli civilians, terrorised the people of Israel and damaged many towns and cities, played a central role in provoking the current crisis, and achieve nothing but harm for the cause of Palestinian and Lebanese independence and democracy.

3. The Israeli government, Hezbollah and Hamas must adhere strictly to the rules of international humanitarian law, particularly with regard to the protection of civilians and rules against the use of indiscriminate weapons. International humanitarian law prohibits direct attacks on civilians or civilian objects, attacks that do not distinguish between military targets and civilians or civilian objects, and attacks which, although aimed at a military target, have a disproportionate impact on civilians or civilian objects. There should also be no attack on infrastructure even if used for military purposes, if the incidental short-term and long-term consequences for civilians would be disproportionate to the concrete and direct military advantage sought in the specific attack.

4. Any agreement will require two initial steps: a prisoner swap and an understanding between all parties (Hezbollah included) that the current UN presence in South Lebanon will be strengthened with a multinational peacekeeping force. Israel must release the Hamas politicians it currently has imprisoned, and Hamas and Hezbollah need to release the three Israeli prisoners. An urgent review of other prisoners held in Israel should also be undertaken. Injection of a multinational peacekeeping force carries considerable risk since it could trigger a deadly civil conflict, but in the absence of a strong Lebanese army, and given legitimate Israeli concerns, it has become a regrettable necessity. Whether it has a limited mandate (principally verifying adherence to the ceasefire) or a more robust mandate (to oversee the disarmament of Hezbollah) will largely depend on the terms of any agreement. A limited mandate is likely to be the best that can be agreed initially.

5. The flow of arms into the region to parties engaged in the conflict is a defining factor that fans the flames. Both sides have pointed to the sponsorship of the other by forces external to the locality (such as US supply of over \$3bn in military aid to Israel, supply of rockets and other military material to Hezbollah by Iran and Syria). The international community should place an immediate embargo on all shipments of weapons to all parties in the war (including Syria and Iran), and join an international conference to provide security on the border between Israel and Lebanon. It will also require the quick imposition of robust sanctions against any party that refuses to sign or violates these agreements.

6. By endorsing Israel's attacks and explicitly giving it time to complete its military operations, the US government has become a party to this violence, which, together with American military actions in Iraq, is sure to create enmity towards the United States and Israel in the Muslim world for generations to come. Such enmity will also be directed towards the United Kingdom, where the government continues to be paired with US policy in the region. The UK government's failure to condemn out of hand the atrocities on both sides is disappointing. The UK government has a responsibility, within the special relationship, to bring alternative viewpoints to Washington and indeed to put pressure on Washington to listen to the will of the international community on this issue.

7. Getting Hamas and Hezbollah to drop their goal of annihilating Israel will be essential if these two organisations are to enter normal relations at some point. To do this, the international community must recognise the elected officials in both Palestine and Lebanon and deal with them as representatives of the people who voted for them. When Hamas was first elected, for example, there was a golden opportunity to welcome the organisation into legitimate politics, to entice them away from violence and threat, and to give them a stake in engagement (as happened with a number of Arab states and indeed the PLO in the past). Instead, by following a strategy of isolating both organisations, the international community has alienated not just the extremists, but also the populations that voted for them.

8. There is also a need to address the underlying sense of injustice and insecurity felt on both sides. Hezbollah and Hamas both seek the destruction of the state of Israel, while Israel itself shows very little commitment to a truly independent Palestinian state, with proper borders negotiated in terms of the road map. There is need to get all parties to accept a genuine two-state solution. This will entail reaching agreement on mutual recognition of borders and rights to exist, recognition of each other's democratic legitimacy and recognition of universal human rights and equality of treatment and opportunity. Any international peace conference will also need to include all the relevant actors, including Iran and Syria, and should attempt a Grand Bargain that all parties are required to sign up to (which would include recognition of Israel and a settlement once and for all of its borders). Once the other parts of a lasting peace have been set in place, a Truth and Reconciliation Commission could be established, following the model used in South Africa.

9. Finally, the United States and Britain have to improve their own moral condition, a change that would be well received abroad. This would mean a return to the rule of law and to the protection of civil liberties, and an end to efforts to escape from the obligations of international law in the fight against terrorism.¹² Washington and London should also throw their weight behind restarting the Middle East peace process as a matter of urgency.

Endnotes

¹ International Crisis Group, 'Israel/Palestine/Lebanon: Climbing Out of the Abyss', *Middle East Report* N°57, 25 July 2006.

² See Simon Tisdall, 'Bringing Iran and Syria in from the cold', *The Guardian*, 27 July 2006.

³ See Anthony Cordesman, 'Qana and the lessons for modern war', 31 July 2006, Center for Strategic and International Studies, http://www.csis.org/component/option,com_csis_progi/task,view/id,724/

⁴ Stephen Zunes, 'Congress and the Israeli Attack on Lebanon: A Critical Reading', *FPIF Policy Report*, 22 July 2006. <http://www.fpif.org/fpiftxt/3381> For further background on US opinion, see CRS Report for Congress, 'Israel-Hamas-Hezbollah: The Current Conflict', 21 July 2006.

⁵ Estimates put the number of full time fighters within Hezbollah at anywhere from 300 to 1,200. There are also at least several thousand "reserves" but most have little real training and experience. See Anthony Cordesman, 'Iran's Support of the Hezbollah in Lebanon', Center for Strategic and International Studies, 15 July 2006, http://www.csis.org/media/csis/pubs/060715_hezbollah.pdf

⁶ See 'Second base 'used for arms flights'', *Press Association*, 1 August 2006; <http://www.guardian.co.uk/uklatest/story/0,-5986581,00.html>; and Ian Swanson, 'Scottish Secretary

'stopped US planes using Prestwick", *The Scotsman*, 1 August 2006,
<http://news.scotsman.com/politics.cfm?id=1115192006>

⁷ This discussion draws on a blog on the Overseas Development Institute (ODI) Web site, "What is the responsibility of the international community to protect civilians in the Lebanon crisis?" by Sara Pantuliano, 21 July 2006. <http://blogs.odi.org.uk/blogs/main/archive/2006/07/21/612.aspx>

⁸ For more on the international legal dimensions of the current conflict see, 'The Middle East Crisis and International Law', by Anthony Dworkin, on the Crimes of War Project Web site, <http://www.crimesofwar.org/onnews/news-middleeast.html> and a section on the Human Rights Watch Web site, 'Questions and Answers on Hostilities Between Israel and Hezbollah', at: <http://hrw.org/english/docs/2006/07/17/lebanon13748.htm>

⁹ See the Court ruling at:
<http://fl1.findlaw.com/news.findlaw.com/hdocs/docs/tribunals/hamdanrums110804opn.pdf>

¹⁰ Judy Dempsey, 'If called to Lebanon, NATO 'could go in'', *International Herald Tribune*, 27 July 2006, <http://www.ihf.com/articles/2006/07/27/news/nato.php>

¹¹ Regarding US arms supplies to Israel, see David Cloud and Helene Cooper, 'US Speeds Up Bomb Delivery for the Israelis', *New York Times* 22 July 2006, <http://www.nytimes.com/2006/07/22/world/middleeast/22military.html>; and on UK supplies, see Benjamin Joffe-Walt, 'Made in the UK, bringing devastation to Lebanon – the British parts in Israel's deadly attack helicopters', *The Guardian*, 29 July 2006.

¹² The case for this on the part of the United States is argued by Stanley Hoffmann, 'The Foreign Policy the US Needs', *The New York Review of Books*, Volume 53, No.13, 10 August 2006.